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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,999

12/21/2004

Scott Allan Kendall

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JOSEPH J. LAKS, VICE PRESIDENT
THOMSON LICENSING LLC
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EXAMINER

HOYE, MICHAEL W

ART UNIT

PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/518,999	Applicant(s) KENDALL ET AL.	
	Examiner Michael W. Hoye	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/21/04 was filed after the mailing date of the instant application on 12/21/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-6, 8, 10-13, 15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Thibadeau et al (USPN 5,565,909).

Regarding claim 1, Thibadeau discloses a method for controlling a television signal receiver (see col. 3, lines 42-45) having an emergency alert function (see col. 4, lines 4-8). Thibadeau also discloses receiving an input representing a geographical area; and processing a masked list of emergency events responsive to the input, wherein the masked list of emergency events represents a subset of all emergency events associated with the emergency alert function (see col. 4, lines 39-56).

Regarding claim 3, Thibadeau discloses enabling a user to select an emergency event from the masked list of emergency events (see col. 4, lines 46-56).

Regarding claim 4, Thibadeau discloses receiving emergency alert signals indicating an occurrence of the selected emergency event (see col. 4, lines 4-8 and 46-56); and providing an alert output responsive to the emergency alert signals (see col. 4, lines 51-56 and col. 11, line 64 - col. 12, line 2).

Regarding claim 5, Thibadeau discloses receiving emergency alert signals indicating an occurrence of an emergency event not included in the masked list of emergency events (col. 4, lines 33-38 and lines 50-56); and providing an alert output responsive to the emergency alert signals (see col. 4, lines 51-56 and col. 11, line 64 - col. 12, line 2).

Regarding claim 6, Thibadeau discloses the received input represents a plurality of geographical areas; each of the geographical areas includes at least one masked event; and the masked list of emergency events excludes the masked events common to all of the geographical areas (see col. 4, lines 33-38 and 46-56, and col. 6, lines 10-13).

Regarding claims 8 and 10-13, the claims are rejected based on similar grounds as the rejection of claims 1 and 3-6, respectively.

Regarding claims 15 and 17-20, the claims are rejected based on similar grounds as the rejection of claims 1 and 3-6, respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 7, 9, 14, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al (USPN 5,565,909), in view of Cragun (USPN 6,177,873).

Regarding claim 2, Thibadeau discloses a method for controlling a television signal receiver having an emergency alert function as described above in claim 1. However, Thibadeau does not disclose that the geographical area is represented by a Federal Information Processing System (FIPS) location code. Cragun teaches representing the geographical area by a FIPS location code (see col. 4, line 50 - col. 5, line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a FIPS location code to represent the geographical area for the advantage of specifying the identification code of each geographical area that is to receive the emergency event in accordance with standards or codes that are defined by the Federal Communications Commission (FCC).

Regarding claim 7, see lack of inventive step claim 2, respectively.

Regarding claims 9 and 14, the claims are rejected based on similar grounds as the rejection of claims 2 and 7, respectively.

Regarding claims 16 and 21, the claims are rejected based on similar grounds as the rejection of claims 2 and 7, respectively.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ganzer et al (USPN 5,121,430) – Discloses a storm alert system for emergencies.

Manson (USPN 7,159,230) – Discloses an emergency alert system.

Taylor (USPN 7,113,107) – Discloses intelligent selectively targeted communications systems and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer
February 1, 2007



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600